

REMARKS

I. OBJECTIONS TO USE OF “BUSS”

The Examiner objected to the use (e.g. spelling) of the word “buss” in both the specification and the claims. A “bus (sometimes spelled *buss*) is a physical electrical interface where many devices share the same electric connection.” *See Exhibit 1*, “Definition of Electrical bus,” www.worldiq.com/definition/Electrical_bus (10/11/2004).

If the Examiner feels strongly that this spelling is incorrect and requests an amendment to the specification, Applicants’ attorney will consult the inventors to seek their agreement to this amendment. But, as set forth in the application, the usage and spelling “buss” is one possible correct spelling that the Applicant does not believe requires correction.

II. REJECTION UNDER 35 U.S.C §102

The Examiner rejected Claims 1-4, 6-7, 9-12, 14-19, 21-27, 29-30, 31-34, 36-40, 42-46, 48-46, 48-51, and 53-54 under 35 U.S.C. § 102(e) for anticipation in light of U.S. Patent 6,760,444 to Leung (hereafter “the ‘444 Patent”). Under 35 U.S.C. §102, the prior art must disclose each and every claim element for an invention to be anticipated by prior art. *Constant v. Advanced Minor-Devices, Inc.*, 848 F. 2d 1560 (Fed. Cir. 1988). All claim limitations of the invention must also be considered in determining patentability. *Hewlett-Packard Co. v. Bausch & Lomb, Inc.*, 909 F. 2d 1464 (Fed. Cir. 1990). Almost is not enough; the prior art must disclose all the elements. *Connell v. Sears, Roebuck & Co.*, 722 F. 2d 1542 (Fed. Cir. 1983). Accordingly, the absence of any claimed element negates anticipation under 35 U.S.C. §102.

The independent Claims 1, 23, and 31 require detecting movement of a mobile node onto the foreign network to initiate the transmission of an agent solicitation that is received on a network and initiates the transmission of an agent advertisement. Upon detecting movement of the mobile node, an agent solicitation transmission is initiated that is received at the foreign network, and an agent advertisement is transmitted in response to receiving the agent solicitation. Thus, in the claimed invention, an agent advertisement transmits upon receipt of the solicitation, which is triggered by mobile node movement detection – the agent advertisement is not periodically transmitted.

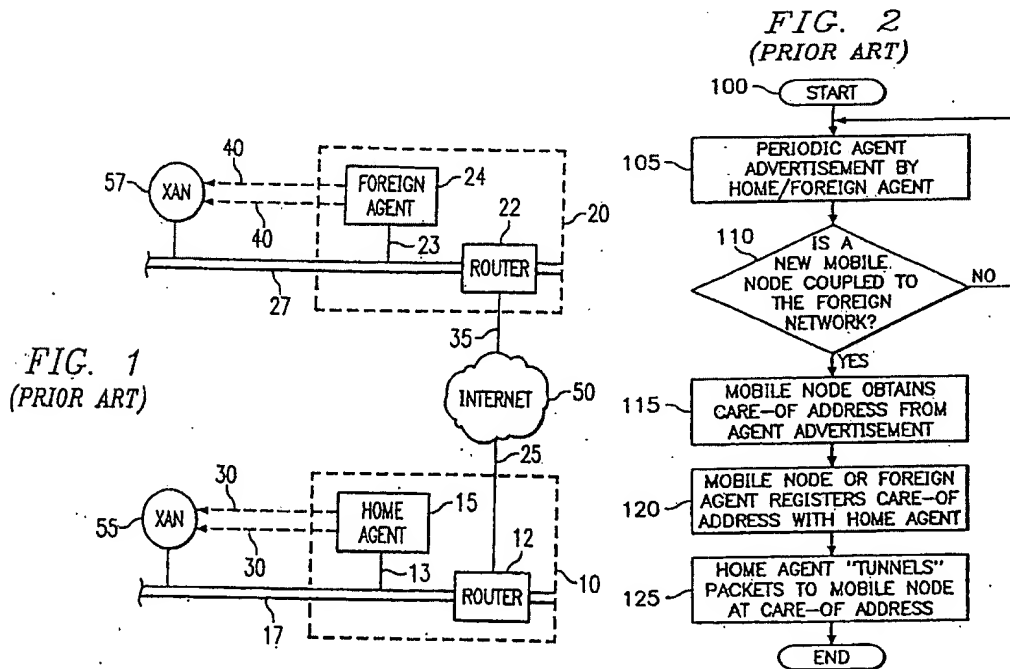
According to the Examiner, the '444 Patent teaches "receiving an agent solicitation at the foreign agent where solicitation is initiated by detection of movement of mobile node into foreign network and transmitting agent advertisement from foreign agent in response to solicitation....." *Office Action*, p. 3. Applicants respectfully disagree with this conclusion because the '444 Patent does not disclose, teach, or suggests initiating an agent advertisement in response to movement detection. The Examiner cited the following portions of the '444 Patent to support his conclusion:

As shown in FIG. 1, Mobile Node 6 normally resides on (or is "based at") a network segment 12 which allows its network entities to communicate over the internet 4 through Home Agent 8 (an appropriately configured router denoted R2). Note that Home Agent 8 need not directly connect to the internet. For example, as shown in FIG. 1, it may be connected through another router (a router R1 in this case). Router R1 may, in turn, connect one or more other routers (e.g., a router R3) with the internet.

Now, suppose that Mobile Node 6 is removed from its home base network segment 12 and roams to a remote network segment 14. Network segment 14 may include various other nodes such as a PC 16. The nodes on network segment 14 communicate with the internet through a router which doubles as Foreign Agent 10. Mobile Node 6 may identify Foreign Agent 10 through various solicitations and advertisements which form part of the Mobile IP protocol. *The '444 Patent, Col. 1, ln 55 - Col. 2, ln. 4.*

This cited section does not teach, suggest, or disclose initiating an agent solicitation by movement of the mobile node or transmitting an agent advertisement in response to receipt of the agent solicitation. Rather, the '444 Patent incorporates and embodies the prior art "Mobile IP protocol" described in RFC 2002 and cited explicitly in the '444 Patent. See '444 Patent, Col. 1, ln 31-33 ("An implementation of Mobile IP is described in RFC 2002 of the Network Working Group, C. Perkins, Ed., October 1996. Mobile IP is also described in the text "Mobile IP Unplugged" by J. Solomon, Prentice Hall. Both of these references are incorporated herein by reference in their entireties and for all purposes").

The Mobile IP protocol (RFC 2002) is the same prior art method described by the Applicants in the *Background of the Invention*. As Applicants explained in the application, the prior Mobile IP protocol operates according to Figure 1 and Figure 2 in the application.



Under the prior art system (see step 105) the Foreign Agent 24 and Home Agent 15 periodically broadcasts agent advertisements 30. These agent advertisements in the prior art Mobile IP protocol are not initiated in response to mobile node movement detection. Rather, these are periodic agent advertisements transmitted without being initiated by detecting movement of the mobile node. *See also Exhibit 2, Perkins, C. (ed), "RFC 2002: IP Mobility Support," p. 8-11, Network Working Group (October 1996).*

In fact, the Mobile IP protocol relied upon by the Examiner operates exactly the opposite of the claimed invention. When movement is detected in the prior art system, periodic advertisements cease to be transmitted. Looking at Figure 2, the sequence of steps for registration in a prior art system starts at step 100 and proceed to step 105 with periodic broadcast of agent advertisements by the Home Agent or Foreign Agent. If the system determines that there is no new mobile node coupled to the foreign network 20, the method progresses back to step 105 where a periodic agent advertisement is subsequently issued again and again. If the system determines that a new mobile node is coupled to the foreign network, the method progresses to step 115 where the periodic advertisement step is no longer performed. This is the exact opposite of what is claimed in the invention, which initiates an agent solicitation and advertisement in response to the detection of movement of a mobile node.

The above-identified portions of the '444 Patent do not describe the mode of operation claimed by the Examiner. The '444 Patent never describes any mechanism for initiating a solicitation or advertisement in response to mobile node movement detection. In other words, the claimed limitations of transmitting an agent advertisement after

receiving an agent solicitation initiated by detection of movement of the mobile node is not disclosed, taught, or suggested by the cited prior art reference.

Transmitting an agent solicitation after detection of movement by the mobile node to cause an agent advertisement to transmit is an important distinction of the invention compared to the prior art, and this limitation is not found in the cited reference. Because the cited prior art does not teach, disclose, or suggest all the limitations of the independent Claims 1, 23, and 31, a § 102 rejection cannot be sustained. Applicants respectfully request reconsideration of independent Claims 1, 23, and 31 and the other dependent claims in light of these comments.

III. REJECTION UNDER 35 U.S.C §103

The Examiner rejected Claims 5, 8, 13, 20, 28, 35, 41, 47, and 52 for obviousness under 35 U.S.C. §103(a) based on the '444 Patent prior art reference in view of the '505 Patent. Because the independent Claims 1, 23, and 31 were not rejected under §103(a), and as argued above contain limitations distinguishing the invention from the '444 Patent, these independent claims are likewise not obvious in light of the cited prior art. The rejected dependent claims contain all the limitations of the base independent Claims 1, 23, and 31. Because the rejected claims contain all the limitations of the independent claims, neither cited reference can support an obviousness rejection under §103 for the claims depending from independent Claims 1, 23, and 31. Therefore, it is respectfully suggested that the Examiner's obviousness rejection based upon the cited prior art references is improper.

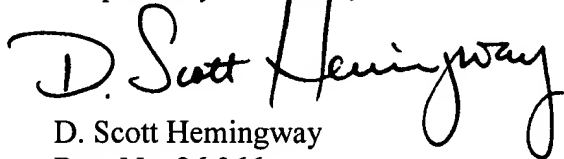
III. CONCLUSION

The Applicants respectfully request reconsideration of the present application because the Examiner's 35 U.S.C. §§ 102(e), and 103(a) rejections are believed to have been traversed by the present Response. Independent claims 1, 23, and 31 are believed allowable because the cited prior art fails to disclose, teach, or suggest all the claimed elements. Since the dependent claims add further limitations to the allowable independent claims, the Applicants believe the dependent claims are likewise allowable. Accordingly, pending claims 1-54 are believed allowable because the claimed invention is not disclosed, taught, or suggested by the cited prior art.

The Applicants request an extension of time for one month past the statutory three month time period set for response to respond to this Office Action. A check in the amount of \$110.00 is enclosed for payment of this extension of time.

It is believed that no additional fees are necessary for this filing. If additional fees are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,

A handwritten signature in black ink that reads "D. Scott Hemingway". The signature is written in a cursive, flowing style.

D. Scott Hemingway
Reg. No. 36,366
Attorney for Applicants

Storm & Hemingway, LLP
460 Preston Common West
8117 Preston Road
Dallas, Texas 75225
(214)292-8301 (voice)
(214)739-5209 (fax)